IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Bail Appl..No. 4097 of 2007()

(CRIME NO. 75/2007 OF KAYAMAKULAM EXCISE RANGE

PETITIONER

DEVADAS,AGED 55 YEARS,S/O.NARAYANAN,
OONJALETHU KIZHAKKETIHIL,KANIMEL MURIYIL,
MUTHUKULAM VILLAGE.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI. P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4097 Of 2007

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Dated this the 6th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations under the Kerala Abkari Act. He was allegedly found to be keep in possession of 20 litres of arrack and 210 litres of wash at his house on 14.06.07. The petitioner was not available at the scene. His wife alone was present in his house when the seizure was affected. She was not arrested as there was no woman official in the Excise party which detected the crime.

2. The learned counsel for the petitioner prays that the petitioner may be granted anticipatory bail. What is the reason? The learned counsel for the petitioner only submits that the petitioner is a person afflicted with illness. He relies on Annexure A Medical Certificate.

3. I am not satisfied that there is any valid and justifiable reason in the facts and circumstances of the case, to invoke the powers under Sec.438 Cr.P.C. in favour of the petitioner. This I am satisfied, is a fit case where the petitioner must appear before the Investigating Officer or the learned Magistrate having jurisdiction and seek regular bail in the ordinary course.

4. In the result, this petition is dismissed. Needless to say that if the petitioner appears before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE